

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION**

BID FOR POSITION, LLC,

Plaintiff,

v.

AOL LLC and GOOGLE INC.,

Defendants.

CASE NO. 2:07-cv-582 JBF/TEM

**REDACTED  
PUBLIC VERSION**

**REPLY MEMORANDUM IN SUPPORT OF DEFENDANTS GOOGLE AND AOL'S  
MOTION FOR SUMMARY JUDGMENT OF NONINFRINGEMENT  
OF U.S. PATENT NO. 7,225,151**

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### **NOTE ON CITATIONS**

Citations to Plaintiff Bid For Position, LLC's Opposition to Defendants' Motion for Summary Judgment of Non-infringement are listed as "Opp."

Citations to Defendants Google and AOL's Memorandum in Support of Their Motion for Summary Judgment of Noninfringement of U.S. Patent No. 7,225,151 are listed as "Mem."

The patent-in-suit, U.S. Patent No. 7,225,151, is attached to the Declaration of Emily O'Brien ("O'Brien Decl.") as Exhibit 1. U.S. Patent No. 6,269,361 is attached to the O'Brien Decl. as Exhibit 2. References to the patents are indicated by column and line number, or by claim number. A reference to "3:15" means column 3, line 15.

Excerpts from the deposition transcript of the May 7, 2008 deposition of inventor Brad Konia are attached to the O'Brien Decl. as Exhibit 3. Citations to transcripts are indicated by page and line number.

The Initial Expert Report by Don Turnbull, PhD on Infringement of U.S. Patent No. 7,225,151 dated June 10, 2008 is attached to the O'Brien Decl. as Exhibit 4. Citations to the report are listed as "Turnbull Initial Report."

Excerpts from the deposition transcript of the July 23, 2008 deposition of Plaintiff under Fed. R. Civ. Pro. 30(b)(6) by deponent Brad Konia are attached to the Declaration of Emily O'Brien in Support of Defendants' Reply ("O'Brien Reply Decl.") as Exhibit 1.

Excerpts from the deposition transcript of the July 23, 2008 deposition of Defendant Google under Fed. R. Civ. Pro. 30(b)(6) by deponent Daniel Wright are attached to the O'Brien Reply Decl. as Exhibit 2.

Excerpts from the deposition transcript of the May 8, 2008 deposition of Clayton W. Bavor, Jr. are attached to the O'Brien Reply Decl. as Exhibit 3.

Excerpts from the deposition transcript of the August 1, 2008 deposition of Donald Ray Turnbull are attached to the O'Brien Reply Decl. as Exhibit 4.

The other document cited herein is attached to the Declaration of Clayton W. Bavor, Jr. ("Bavor Decl.") as Exhibit 1.

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## CONCLUSION

For the foregoing reasons, this Court should grant Defendants' motion for summary judgment of non-infringement of the '151 Patent.

August 11, 2008

Respectfully submitted,

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I hereby certify that on August 11, 2008, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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